

ISDS Regulatory Working Group Status of Issues Proposed for Short-term Regulatory Changes

~~July-August 31~~21, 2001

Note: The first 24 issues listed below correspond to the 24 issues presented in a Draft ISDS Task Force Report (fall 2000) as Proposed Regulatory Changes for the Short-term. ~~Two-Six~~ additional recommendations, made by the Regulatory Working Group, have been added as Numbers 25 through 30.

Legend:

DEM Action	Represents activity conducted by DEM which addresses the recommendation
Consensus	Group present for discussion arrived at consensus on the issue
No Consensus	Group present for discussion did not arrive at consensus on the issue
<input type="checkbox"/>	Represents "To Do"

Number 1 (Topic Discussed - 11/1/00)

Regulations should be amended to improve function of leachfields. Include invert perimeter, gravel fill, step-down systems for sloping sites, and reduce volume of aggregate.

DEM action: New methods of leachfield construction have been drafted, which address all of the recommended topics.

~~No Consensus – Pending review of final draft versions of schematics for each of the leachfield options and draft language 11/1/00 Preliminary discussion of proposed leachfield construction techniques did not prompt objection, although modifications of proposal were requested.~~

☐ Final draft versions of schematics for each of the leachfield options and draft language must still be presented to and discussed with Regulatory Working Group.

Number 2 (Topic Discussed - 10/3/00, 1/31/01, 2/28/01, 7/24/01)

Regulations do not address soil-based design criteria. Discuss the use of the percolation test, soil morphology technique, minimum leaching area. Amendment must be promulgated prior to January 19, 2001 to address sizing based on soil data.

DEM action: April 2001 Mini-amendment addressed sizing with conversion chart which associates each soil category to a percolation rate which must be used for sizing. Loading rates for soil categories to establish leachfield size for new systems have been drafted.

Consensus (2/28/01) – The group, when asked if they agreed to changing the fastest percolation rate accepted for new systems, did not express objection. Although the Regulatory Working Group did not obtain consensus on the form of the amendment which was filed, it seems that consensus was obtained on the application of soil morphology to the sizing of systems.

~~Consensus (7/24/01)~~

Consensus - Add additional soil types to the table; soil characteristics which are not accounted for on the table are being encountered in the field.

Number 3 (Topic discussed - 12/13/00)

Upgrade tank standards (including inlet T vs. baffle, d-boxes, pump chambers, whether to require risers to surface on septic tanks, allow or require two-compartment septic tanks) to be consistent with the CT and MA standards.

DEM action: Rules have been drafted.

~~No Consensus – although minutes do not reflect strong objections, suggestions are noted with suggestions for refinements and pending review of draft language.~~

Number 4 (Topic Discussed - 10/3/00)

(a) Nitrogen removal standards for nitrogen reduction systems must be added to the Rules.

DEM action: "Nitrogen reducing technology" added to "Definitions" in draft rules.

Consensus – The Regulatory Working Group agrees that "Nitrogen reducing technology" should be added to definitions

(b) Determination must be made concerning design authority for sand filters.

DEM action: Draft rules address guidance documents in general. The issue of design authority for sand filters has been addressed (DEM has accepted the Technical Review Committee's recommendation that Class II and III may design sand filters and that additional training is necessary for practitioners).

Number 5 (Topic Discussed 2/28/01)

Allow use of I/A technology for watertables less than 2-feet.

DEM action: No change to rules is proposed based on discussion with the Regulatory Work Group; sites with less than 2 foot watertables present very high risks of failure.

Consensus – It was agreed that applications for properties with watertables less than 2 feet may often be problematic and should continue to be submitted under the variance process.

Number 6 (Topic Discussed - 10/3/00, 1/3/01, 1/17/01, 1/31/01, 2/13/01)

Department must address approved field data when the requirement for soil evaluation takes effect.

DEM action: April 2001 amendment addresses exemptions from the requirement for soil evaluation, which include field data approved prior to January 31, 2001.

No Consensus - The Regulatory Working Group did not obtain consensus on the form of the amendment which was ~~filed~~promulgated.

Number 7 (Topic Discussed - 10/3/00)

(a) Soil suitability testing in subdivisions should be addressed.

DEM action: Rules for soil evaluation of subdivisions have been drafted.

~~Consensus—10/3/00 topic was discussed—minutes do not reflect objection; concern was expressed for a requirement of two test holes per lot. Russ stated that the Department would probably maintain the current allowance of only one test hole per lot in a subdivision, which seemed to satisfy the concern.~~

Consensus subject to review of draft language

(b) Development of a separate license class to prepare subdivision submittals.

NOTE: A special license class for subdivision submittal was not discussed; the Department does not feel a separate license class for this activity is necessary.

Consensus (8/21/01)

Number 8 (Topic Discussed - 10/18/00, 7/10/01, 7/24/01, 8/21/01)

Redefine unit of sizing (number of bedrooms) for residential systems ~~to facilitate evaluation of systems under the upgrade policy.~~

DEM action: Rules have been drafted.

NOTES:

- 10/18/00 Minutes indicate the group requested review of the issue by representatives of realty groups.

~~—7/10/01 Consensus~~

- 8/21/01 No Consensus

Number 9 (Topic discussed - 11/29/00)

Simplified submittal for subdivisions of up to five lots.

DEM action: Draft rules provide for simplified submittal for subdivisions up to 5 lots. CRMC's Regulations for the Special Area Management Plans for the Salt Ponds and the Narrow River Regulations (Chapter. 9, Section C. 1, in both documents) state that subdivisions of 6 lots or more are considered major land development and should file a preliminary determination request with CRMC, as such DEM proposal is consistent.

Consensus

Number 10 (Topic Discussed - 2/13/01, 3/28/01, 4/10/01, 4/27/01, 5/9/01, 6/20/01, 7/10/01)

Mechanism by which all cesspools are evaluated for replacement should be considered.

DEM action: This topic has been the subject of much lengthy discussion within the Regulatory Work Group. DEM has made an effort to address the concerns of the Regulatory Work Group in a **draft** document presenting a risk-based cesspool removal strategy. Large capacity cesspools will need to be defined for purposes of meeting the EPA requirements and deadline.

No Consensus

1. A risk-based approach to requiring cesspool removal;
2. That there should be a requirement for removal of cesspools;
3. Funding is necessary;
4. There should be a deadline, however agreement on dates has not been obtained;
5. There should be some special accommodation for hardship cases.

Number 11 (Topic Discussed - 11/1/00)

DEM should promulgate policies for trench construction. (See also recommendation Number 1)

DEM action: Draft rules address new methods of leachfield construction

No Consensus – [Pending review of final draft versions of schematics for each of the leachfield options and draft language](#)

Number 12 (Topic Discussed - 12/18/00, 7/10/01, 7/17/01, 7/24/01)

Design flow for single-family homes should be changed to reflect lower water use due to low-flow fixtures.

DEM action: Draft rules set new design flow for single-family homes as 150 gallons per day for the first bedroom and 100 for each additional bedroom. Design flows for all other uses have been reevaluated.

Consensus

Number 13 (Topic Discussed - 2/28/01)

Review requirement to encase waterlines.

Consensus: Draft rules require waterline or sewer line to be sleeved 10-feet in either direction when they cross.

Number 14 (Topic Discussed - 11/1/00)

DEM should re-evaluate the foundation drain and sub-drain setback requirements.

DEM action: Draft rules establish setbacks of 25-feet up-gradient and side-gradient and 75-feet down-gradient. Draft rules will include updated standards for subsurface drain construction.

No Consensus

Number 15 (Topic Discussed - 1/31/01)

ISDS regulations ~~could~~**should** be amended to require that limits of disturbance and erosion controls be shown on ISDS plans. Freshwater Wetlands could then conduct field verification of plan and determine if proposed activity would require application to the Freshwater Wetlands Program.

DEM action: DEM is developing a rule and procedure to advance this concept.

Consensus - Topic was discussed in Regulatory Work Group, there was no objection expressed.

Number 16 (Topic Discussed - 12/13/00)

Review technical issues concerning speed levelers, dippers and d-boxes.

DEM action: Draft rules require levelers for all new systems and dipper d-boxes are an option on sloping sites. Standards for d-boxes have also been revised.

No Consensus – although minutes do not reflect strong objections, suggestions are noted.

Number 17 (Topic Discussed - 11/15/00)

Review well setback requirements (large systems and highly permeable soils).

DEM action: Well setbacks from large flow systems will be increased. The department will not change the minimum setback (100 ft) required between private wells and home septic systems.

DEM and DOH met 12/7/00, to discuss the discrepancy between their respective setbacks:

- DEM to maintain 400 ft. setback to public well;
- DEM to notify DOH of any variance regarding a public well (existing or proposed);
- DEM/DOH prepare a joint fact sheet for applicants with ISDS and wells.

Consensus – [pending review of draft language.](#)

Number 18 (Topic Discussed - 11/1/00, 11/15/00)

Review square-footage requirement for galleys.

DEM action: prohibit use of galleys, except on repairs where necessary.

No Consensus

Number 19 (Topic Discussed - 12/13/00)

Review existing grease trap specifications with respect to capacity and retention times.

DEM action: Draft rules revise standards for grease traps.

Consensus – [pending review of draft language.](#)

Number 20 (Topic Discussed - 11/29/00, 6/20/01)

Imminent Sewer Exemption: Where a dwelling is expected to be connected to a POTW within a short time period, provide clear regulatory language that would enable physical home improvements without triggering an ISDS upgrade or expansion.

DEM action: Draft rules eliminate the System Suitability Determination (SSD) Application and allow for an exemption from up-grade when specified conditions are met and installation of sewer line, which would service the property, is scheduled to be completed within 5 years. Flow must not be increased and the community must explicitly indicate funding is available to complete the sewer project as scheduled.

No Consensus

Number 21 (Topic was discussed - 11/15/00)

(a) The variance process should allow a public interchange.

No Consensus DEM agrees that commenters should be notified on the outcome of variance decisions.

(b) Projects are usually approved, but DEM will stipulate how the project should be designed (Inclusion of designer and applicant in the decision making process).

No Consensus

DEM will attempt to provide more pre-application meetings provided resources are available.

(c) Shorten the time it takes to process variance requests.

No Consensus – See Number 22 below: the dual tiered variance process proposed in Number 22 was intended as a timesaving mechanism, but discussion of the issue did not generate support.

DEM action: Variance Guidance Table eliminated in draft rules.

Number 22 (Topic was discussed - 11/15/00, 11/29/00)

Develop a dual-tiered variance process that separates new or major projects that require a variance, from existing uses where there is a request for an upgrade or repair. Eliminate the public notice requirement for some variance applications.

No Consensus – The merit of exempting certain variances from the notice requirement was debated. No group agreement to exempt any variance from the notice requirement. However, the Department is continuing its review of this item as well as item Number 21.

Number 23 (Topic Discussed - 11/1/00)

Review ISDS piping requirements with respect to velocity requirements.

DEM action: Draft rules address pipe slopes and fluid velocity for different parts of the ISDS.

Consensus

Number 24 (Topic Discussed - 11/15/00)

Sand filter application should not have to go through the variance process.

DEM action: No rule change necessary. Sand Filter Guidance Document allows for applications for sand filters to be submitted without variance in critical resource areas.

☐ Guidance document/policy must be adopted statewide following an opportunity for public comment; draft rules address guidance documents in general.

Number 25 (Recommendation made 7/17/01)

Recommendation to Task Force: DEM should conduct (or contract for) studies to determine other coastal embayments that are at risk from nitrogen loadings.

Number 26 (Recommendation made 7/17/01)

Recommendation to Task Force: DEM should conduct a Spring ISDS enforcement initiative going door-to-door in SAM Plan areas looking for signs of ISDS failure.

Number 27 (Recommendation made 8/21/01)

Recommendation to Task Force: Loading of phosphorous from septic systems needs to be evaluated for impacts on resources.

Number 28 (Recommendation made 8/21/01)

Recommendation to Task Force: Issues relating to transport and survivability/viability of pathogens from septic systems needs to be evaluated.

Number 29 (Recommendation made 8/21/01)

Leachfield loading rates - The conditions under which time-dosing should be required must be studied.

Number 30 (Recommendation made 8/21/01)

Sewage Flows – The issue of environmental and public health risks as a result of over-occupancy of rental homes overloading ISDS's requires additional discussion.